



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 10**  
1200 Sixth Avenue  
Seattle, WA 98101

June 8, 2007

Reply To  
Attn Of: ETPA-088

Ref: 06-001-NOA

P. Michael Payne, Chief  
Permits, Conservation and Education Division  
National Marine Fisheries Service – National Oceanic and Atmospheric Administration  
1315 East-West Highway  
Silver Springs, Maryland 20910

Dear Mr. Payne:

The U.S. Environmental Protection Agency (EPA) has reviewed the final programmatic Environmental Impact Statement (EIS) for **Steller Sea Lion and Northern Fur Seal Research** (CEQ No. 20050290) in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our policies and procedures, we also evaluate the document's adequacy in meeting procedural and public disclosure requirements of NEPA.

The EIS evaluates the effects of the type and range of Steller Sea Lion (SSL) and Northern Fur Seal (NFS) research activities that may be exercised in current and future grants and assesses the direct and indirect effects of various levels of funding and research techniques throughout the entire range of these species in United States waters. The proposed action is to distribute federal funds and issue permits for research on SSLs and NFSs, consistent with applicable federal laws. The purpose of research is to promote the recovery of the species' populations to levels appropriate to justify removal from Endangered Species Act (ESA) listings and to delineate reasonable actions to protect the depleted species under the Marine Mammal Protection Act (MMPA).

We appreciate the additional information on the impact criteria and clearer distinction between the different impact levels. We are concerned that raising the 'moderate' impact criteria from 25% to 30% of the Potential Biological Removal (PBR) will result in greater impacts to SSL and NFS populations as a result of research activities. The additional information provided on direct and indirect mortality better describes impacts each of the research activities has on SSL and NFS and provides for more accurate mortality estimates. However, a process should be developed for reviewing the mortality estimates on a routine basis to address some of the inaccuracies of these estimates. We understand that intrusive research activities to better estimate the long term impacts on breeding age females may exacerbate the risks of mortality and sub-lethal effects on this portion of the population. Because of this, we encourage National

Marine Fisheries Service (NMFS) to investigate non-intrusive research to better estimate the impacts to these sensitive segments of the SSL and NFS populations.

Again, we commended you for your work in the area of Traditional Knowledge and Environmental Justice. The additional information provided regarding Tribal Consultation makes it clear that you worked closely with the native tribes to identify social and cultural impacts from the proposed action and mitigation measures to address those impacts.

Thank you for the opportunity to review this EIS. If you would like to discuss these comments in detail, please contact me at (206) 553-1601 or Mike Letourneau at (206) 553-6382.

Sincerely,

/s/

Christine Reichgott, Manager  
NEPA Review Unit